APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/744,281	03/26/2001	Bernard Agasse	11345.028001	3919

22511 7590 04/17/2009		
OSHA LIANG L.L.P.	EXAMINER	
TWO HOUSTON CENTER	HOSSAIN, FARZANA E	
909 FANNIN, SUITE 3500		
HOUSTON, TX 77010	ART UNIT	PAPER NUMBER
	2424	

NOTIFICATION DATE	DELIVERY MODE
04/17/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docketing@oshaliang.com
buta@oshaliang.com

	Application No.	Applicant(s)
Office Action Summary	09/744,281	AGASSE, BERNARD
	Examiner	Art Unit	
	FARZANA E. HOSSAIN	2424	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>19 February 2009</u>.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☐ Claim(s) _See Continuation Sheet_ is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) _1-11,13-20,22,23,27-38,51-59,61,65,76-87,110-114,116,119,127,131,135 and 141-146_ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on <u>22 February 2006</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☒ All   b)☐ Some * c)☐ None of:

      1. ☒ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
   Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

Continuation of Disposition of Claims: Claims pending in the application are 1-11,13-20,22,23,27-38,51-59,61,65,76-87,110-114,116,119,127,131,135 and 141-146.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the fee set

forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this

application is eligible for continued examination under 37 CFR 1.114, and the fee set

forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action

has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on

02/19/2009 has been entered.

Response to Amendment

2.   This office action is response to communications filed 02/19/2009. Claims 1-11,

13-20, 22, 23, 27-38, 51-59, 61, 65, 76-87, 110-114, 116, 119, 127, 131, 135 and 141-

146 are pending. Claims 1, 51 and 141 are amended. Claims 2-11, 13-20, 22, 23, 27-

38, 52-59, 61, 65, 76-87, 110-114, 116, 119, 127, 131, 135 and 142-144 have been

previously presented. Claims 12, 21, 24-26, 39-50, 60, 62-64, 66-75, 88-109, 115, 117-

118, 120-126, 128-130, 132-134 and 136-140 are cancelled.   Claims 145 and 146 are

new.

Response to Arguments

3.　　　Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

　　　　Regarding the independent claims, the appellant argues that Florin teaches the PIN code check to access the PPV program is performed on a separate screen that is not within the mosaic (Page 16). The applicant argues Eyer is relied upon for teaching prohibiting audio or visual access for a predetermined length of time and Aras for prohibit audio or visual access to an encrypted program (Page 16). The appellant argues that Aras discloses a parental control system which blocks offensive material immediately and Eyer discloses a predetermined time (Page 17). The appellant argues that a system which allows content to be displayed for a predetermined time and then blocked would not really control what children are watching and immediately blocking audio/video does not use preview time (Page 17). The applicant further argues that the *KSR* court noted that obviousness cannot be proven merely by showing that elements of a claimed device were known in prior art. *Ex parte Whalen*, 89 U.P.Q.2d 1084. (Page 17).

　　　　In response to the argument, the arguments in reference to Aras are moot for the independent claim rejections. Florin discloses a mosaic with encrypted (premium programming and/or pay per view programming) (Figure 35, 380, Column 9, lines 14-18, Column 10, lines 53-59, Column 11, lines 30-35) and unencrypted program (Figures 33-34, 380). Eyer discloses transmitting an encrypted program with key with encrypted

key information with both encrypted audio and video (Column 9, lines 7-20). Eyer

discloses the program is displayed to the viewer via a preview portion of the pay per

view program based on a working key (Column 9, lines 9-20) and then the decoder

based on another working key determining whether the audio access and visual access

is prohibited after a predetermined length of time based upon determination that

complete access rights are not available for corresponding at least one encrypted

program (Column 5, lines 21-54, Column 10, lines 1-5, 48-65) wherein complete audio

and visual access to the selected program is provided during the predetermined length

of time or viewing and listening to the preview period of a program (Column 5, lines 21-

54, Column 10, lines 48-65). Eyer in combination with Florin does not disclose that

based on a working key determining prohibiting only one of audio access and visual

access. The motivations to combine the known elements are provided in the rejection.

See new rejections.

4.   The applicant made further arguments that dependent claims are patentable over

the previous rejections because they depend from the independent claims (Pages 18-

27).

        These arguments are moot in view of the new grounds of rejection and the

response to arguments above.

Claim Objections

5.   Claims 51 and145 are objected to because of the following informalities:

Claim 51 currently recites "the decoder is configured to determine." Correction can be made by adding language to the preamble or line 3 of claim 51 to correspond to claim 1 language of *a decoder*.

Claim 145 recites "completely access." The Office assumes --complete access--.

Appropriate correction is required.

6.   Claim 146 is objected to because the language can not be found in the specification as cited by the applicant on pages 4-5 or any subsequent page. The examiner requests the line numbers as well as the correct page numbers. Pages 4-5 recite a program or channel which does not have full access rights such as pay per view programs that will not have access to video information. The examiner is not certain if the applicant meant encrypted programs instead of unencrypted programs based on the cited portion of the specification provided by the applicant. On page 32, lines 26-29 of the specification there is a section which allows a user to black out either video and/or audio access for example for adult programs.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

7.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

8.   Claims 1-8, 15, 16, 28-30, 35, 38, 51-56, 76-78, 83, 86, 86, 111, 112, 114, 131,

135, 141-142, 145 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Florin et al (US 5,594,509) and hereafter referred to as "Florin") in view of Eyer et al (US

5,594,794 and hereafter referred to as "Eyer") and Kitada (US 5,606,611).

Regarding Claim 1, Florin discloses a decoder for controlling the display of a

plurality of digital television channels in respective windows of a mosaic formation

(Figures 33-35, Column 9, lines 30-39, Column 10, lines 53-59), wherein the decoder is

configured to:

receive at least one encrypted program or pay per view programs or premium

programs (Column 9, lines 13-25, Figure 2, 66, Column 11, lines 30-32), wherein the at

least one encrypted program comprises both encrypted audio and encrypted video as

programs with audio and video need to be descrambled (Column 9, lines 13-25, Column

11, lines 30-38);

create a mosaic comprising a plurality of unencrypted programs or general

programming (Figures 33-35, Column 9, lines 8-20, Column 20, lines 42-49), including

the at least one encrypted program in unencrypted form (Figure 33, Figure 34, Figure

35, 380);

display the mosaic (Figures 33-35);

receive a selection for the at least one encrypted program in unencrypted form in

the mosaic via the preview (Figure 35, 380, 375); and

determine whether complete access rights exist for the selected program while the selected program is displayed in the mosaic or using the descrambling circuitry to display the pay per view program from the preview (Figure 35);

wherein the decoder is configured to prohibit one of audio access or visual access to the selected program while the selected program is displayed in the mosaic upon a determination that complete access rights are not available for the corresponding at least one encrypted program or if the PIN number is not entered correctly the pay per view program is not displayed to the viewer and only the preview is displayed to the viewer as the program is not descrambled (Column 21, lines 33-54, Column 23, lines 27-55, Column 9, lines 13-25).

Florin does not explicitly disclose that wherein the one of only audio access and visual access is prohibited after a predetermined length of time based upon determination that complete access rights are not available for corresponding at least one encrypted program and wherein complete audio and visual access to the selected program is provided during the predetermined length of time.

In analogous art, Eyer discloses transmitting an encrypted program with encrypted key information with both encrypted audio and video as the program (Column 9, lines 7-20). Eyer discloses the program is displayed to the viewer via a preview portion of the pay per view program based on a working key (Column 9, lines 15-20) and then the decoder based on another working key determining whether the audio access and visual access is prohibited after a predetermined length of time based upon determination that complete access rights are not available for corresponding at least

one encrypted program (Column 5, lines 21-54, Column 10, lines 1-5, 13-27, 48-65) wherein complete audio and visual access to the selected program is provided during the predetermined length of time or viewing and listening to the program during the preview period of a program (Column 5, lines 21-54, Column 10, lines 48-65).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Florin to include the audio access and visual access is prohibited after a predetermined length of time based upon determination that complete access rights are not available for corresponding at least one encrypted program (Column 5, lines 21-54, Column 9, lines 7-20, Column 10, lines 13-27, 48-65) wherein complete audio and visual access to the selected program is provided during the predetermined length of time (Column 5, lines 21-54, Column 10, lines 48-65) as taught by Eyer in order to improve security to prevent unscrupulous viewers to watch free previews for more than the maximum duration (Column 1, lines 28-57) as disclosed by Eyer.

Eyer in combination with Florin does not disclose that based on a working key determining prohibiting only one of audio access and visual access.

In analogous art, Kitada discloses wherein receiving at least one encrypted program with a working key (Column 2, lines 3-11) and based on the working key prohibiting only audio access or only video for the at least one encrypted program (Column 3, lines 30-36, 50-60).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination to include prohibiting only audio

access or only video for the at least one encrypted program (Column 3, lines 30-36, 50-60) as taught by Kitada in order to tempt the user to buy the pay per view program even by allowing them to listen to the program to possibly buy the program even though the preview of the program is finished.

Moreover, in *KSR International Co. Teleflex Inc.*, 127 S.Ct 1727, No. 04-1350, slip. op. at 12 (2007), the Court found that if all the claimed elements are known in the prior art then one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination would have yield predictable results to one of ordinary skill in the art at the time of the invention.

Regarding Claim 2, Florin, Eyer and Kitada disclose all the limitations of Claim 1. Florin discloses that the decoder receives access rights together with the audiovisual data for creating the mosaic as the descrambling circuitry descrambles premium programs and programs are not descrambled until the user purchase the program with a PIN (Figure 35, Column 21, lines 33-54, Column 23, lines 27-55, Column 9, lines 13-25). Eyer discloses that encrypted programs are received with access rights (Column 4, lines 55-67, Column 5, lines 1-38).

Regarding Claim 3, Florin, Eyer and Kitada disclose all the limitations of Claim 2. Florin discloses the decoder is configured to issue a request for full audio and visual access to a one of a channel and a program displayed in a window (Figures 33, Column 20, lines 49-53, Column 9, lines 13-27, Column 11, lines 29-40).

Regarding Claim 4, Florin, Eyer and Kitada disclose all the limitations of Claim 1. Florin discloses decoder is configured to generate a cursor for display with the mosaic formation, the cursor being selectively movable over the windows of the mosaic formation to enable selection of a desired window within the mosaic formation (Figures 33-35, 375, 380).

Regarding Claim 5, Florin, Eyer and Kitada disclose all the limitations of Claim 4. Florin discloses decoder if configured to generate audio information associated with a particular channel in response to the positioning of the cursor over the window displaying the particular channel (Column 20, lines 49-55).

Regarding Claim 6, Florin, Eyer and Kitada disclose all the limitations of Claim 5. Eyer discloses the decoder is configured to prohibit the generation of audio information according to the received access rights (Column 4, lines 55-67, Column 5, lines 1-38, Column 10, lines 48-65).

Regarding Claim 7, Florin, Eyer and Kitada disclose all the limitations of Claim 6. Florin discloses displaying the mosaic and the access rights of the particular program in the mosaic window to allow for a preview and prohibit the generation audio of the program (Figure 35). Eyer discloses the decoder is configured to prohibit the generation of audio information according to the received access rights as the user does not have access to the program after the preview period or longer than a predetermined length of time (Column 4, lines 55-67, Column 5, lines 1-54, Column 10, lines 48-65).

Regarding Claim 8, Florin, Eyer and Kitada disclose all the limitations of Claim 3. Florin discloses the decoder is arranged to issue a request when a cursor has been placed on that window (Figures 33-35, 380) to receive audio and video of the program by placing the cursor on the window after a predetermined period of time or immediately (Figures 33-34, 375, Column 20, lines 49-55).

Regarding Claim 15, Florin, Eyer and Kitada disclose all the limitations of Claim 4. Florin discloses turning the decoder to a channel displayed in the desired window upon selection of the desired window (Figures 33-35, Column 21, lines 16-32).

Regarding Claim 16, Florin, Eyer and Kitada disclose all the limitations of Claim 4. Florin discloses displaying comprising information regarding the program displayed in the desired window is generated upon selection of the desired window (Figure 38).

Regarding Claim 28, Florin, Eyer and Kitada disclose all the limitations of Claim 1.Florin discloses that the receiving means receive access rights from a remote control handset associated with the decoder (Column 23, lines 40-45).

Regarding Claim 29, Florin, Eyer and Kitada disclose all the limitations of Claim 28. Florin discloses the decoder is configured to receive a PIN number from the remote control wherein the decoder authenticates the received PIN number and upon authentication of the received PIN number, permits reception of the access rights (Column 23, lines 40-55).

Regarding Claim 30, Florin, Eyer and Kitada disclose all the limitations of Claim 1. Florin discloses that the generation of at least a portion of video information in the window is prohibited in dependence on the access rights to one of a program and a

channel displayed in that window or that generation of the PPV channel is prohibited based on whether the user has ordered the movie or else only the preview is displayed (Figure 35). See rejection of claim 1. Eyer discloses generation of at least a portion of video information in the window is prohibited in dependence on the access rights to one of a program and a channel displayed in the window (Column 10, lines 28-32). Eyer discloses prohibiting generation of video after the preview displayed (Column 10, lines 48-65).

Regarding Claim 35, Florin, Eyer and Kitada disclose all the limitations of Claim 30. Florin discloses means for controlling the display of further video information instead of the at least video information as only the programs that are ordered and authorized are displayed (Column 21, lines 40-53, Column 23, lines 40-55). Eyer means for controlling the display of further video information instead of the at least a portion of the video information as only a preview portion of the program is displayed (Column 10, lines 20-22).

Regarding Claim 38, Florin, Eyer and Kitada disclose all the limitations of Claim 1. Florin discloses decoder is configured to positionally control the relative positions of the windows with the mosaic formation based on access rights to the programs displayed in the mosaic such as pay per view events (Column 21, lines 3-15, Column 22, lines 65-67, Column 23, lines 1-3).

Regarding Claim 51, Florin discloses a method for controlling the display of a

plurality of digital television channels in respective windows of a mosaic formation

(Figures 33-35, Column 9, lines 30-39, Column 10, lines 53-59), comprising:

receiving at least one encrypted program or pay per view programs or premium

programs (Column 9, lines 13-25, Figure 2, 66, Column 11, lines 30-32), wherein the at

least one encrypted program comprises both encrypted audio and encrypted video as

programs with audio and video need to be descrambled (Column 9, lines 13-25, Column

11, lines 30-38);

creating a mosaic comprising a plurality of unencrypted programs or general

programming (Figures 33-35, Column 9, lines 8-20, Column 20, lines 42-49), including

the at least one encrypted program in unencrypted form (Figure 33, Figure 34, Figure

35, 380);

displaying the mosaic (Figures 33-35);

receiving a selection for the at least one encrypted program in unencrypted form

in the mosaic via the preview (Figure 35, 380, 375); and

determining whether complete access rights exist for the selected program while

the selected program is displayed in the mosaic or using the descrambling circuitry to

display the pay per view program from the preview (Figure 35);

wherein the decoder is configured to prohibit one of audio access or visual

access to the selected program while the selected program is displayed in the mosaic

upon a determination that complete access rights are not available for the

corresponding at least one encrypted program or if the PIN number is not entered

correctly the pay per view program is not displayed to the viewer and only the preview is

displayed to the viewer as the program is not descrambled (Column 21, lines 33-54,

Column 23, lines 27-55, Column 9, lines 13-25).

      Florin does not explicitly disclose that wherein the one of only audio access and

visual access is prohibited after a predetermined length of time based upon

determination that complete access rights are not available for corresponding at least

one encrypted program and wherein complete audio and visual access to the selected

program is provided during the predetermined length of time.

      In analogous art, Eyer discloses transmitting an encrypted program with

encrypted key information with both encrypted audio and video (Column 9, lines 7-20).

Eyer discloses the program is displayed to the viewer via a preview portion of the pay

per view program based on a working key (Column 9, lines 9-20) and then the decoder

based on another working key determining whether the audio access and visual access

is prohibited after a predetermined length of time based upon determination that

complete access rights are not available for corresponding at least one encrypted

program (Column 5, lines 21-54, Column 10, lines 1-5, 48-65) wherein complete audio

and visual access to the selected program is provided during the predetermined length

of time or viewing and listening during preview period of a program (Column 5, lines 21-

54, Column 10, lines 48-65).

      Therefore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to modify Florin to include the audio access and visual

access is prohibited after a predetermined length of time based upon determination that

complete access rights are not available for corresponding at least one encrypted

program (Column 5, lines 21-54, Column 10, lines 48-65) wherein complete audio and

visual access to the selected program is provided during the predetermined length of

time (Column 5, lines 21-54, Column 10, lines 48-65) as taught by Eyer in order to

improve security to prevent unscrupulous viewers to watch free previews for more than

the maximum duration (Column 1, lines 28-57) as disclosed by Eyer.

      Eyer in combination with Florin does not disclose that based on a working key

determining prohibiting only one of audio access and visual access.

      In analogous art, Kitada discloses wherein receiving at least one encrypted

program with a working key (Column 2, lines 3-11) and based on the working key

prohibiting only audio access or only video for the at least one encrypted program

(Column 3, lines 30-36, 50-60).

      Therefore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to modify the combination to include prohibiting only audio

access or only video for the at least one encrypted program (Column 3, lines 30-36, 50-

60) as taught by Kitada in order to tempt the user to buy the pay per view program even

by allowing them to listen to the program to possibly buy the program even though the

preview of the program is finished.

      Moreover, in *KSR International Co. Teleflex Inc.*, 127 S.Ct 1727, No. 04-1350,

slip. op. at 12 (2007), the Court found that if all the claimed elements are known in the

prior art then one skilled in the art could have combined the elements as claimed by

known methods with no change in their respective functions, and the combination would

have yield predictable results to one of ordinary skill in the art at the time of the

invention.

Regarding Claim 52, Florin, Eyer and Kitada disclose all the limitations of Claim

51. Florin discloses that the decoder receives access rights together with the

audiovisual data for creating the mosaic as the descrambling circuitry descrambles

premium programs and programs are not descrambled until the user purchase the

program with a PIN (Figure 35, Column 21, lines 33-54, Column 23, lines 27-55,

Column 9, lines 13-25). Eyer discloses that encrypted programs are received with

access rights (Column 4, lines 55-67, Column 5, lines 1-38).

Regarding Claim 53, Florin, Eyer and Kitada disclose all the limitations of Claim

51. Florin discloses decoder is configured to generate a cursor for display with the

mosaic formation, the cursor being selectively movable over the windows of the mosaic

formation to enable selection of a desired window within the mosaic formation (Figures

33-35, 375, 380).

Regarding Claim 54, Florin, Eyer and Kitada disclose all the limitations of Claim

53. Florin discloses decoder if configured to generate audio information associated with

a particular channel in response to the positioning of the cursor over the window

displaying the particular channel (Column 20, lines 49-55).

Regarding Claim 55, Florin, Eyer and Kitada disclose all the limitations of Claim

54. Eyer discloses the decoder is configured to prohibit the generation of audio

information according to the received access rights (Column 4, lines 55-67, Column 5, lines 1-38, Column 10, lines 48-65).

Regarding Claim 56, Florin, Eyer and Kitada disclose all the limitations of Claim 55. Florin discloses displaying the mosaic and the access rights of the particular program in the mosaic window to allow for a preview and prohibit the generation audio of the program (Figure 35). Eyer discloses the decoder is configured to prohibit the generation of audio information according to the received access rights as the user does not have access to the program after the preview period or longer than a predetermined length of time (Column 4, lines 55-67, Column 5, lines 1-54, Column 10, lines 48-65).

Regarding Claim 76, Florin, Eyer and Kitada disclose all the limitations of Claim 51. Florin discloses that the receiving means receive access rights from a remote control handset associated with the decoder (Column 23, lines 40-45).

Regarding Claim 77, Florin, Eyer and Kitada disclose all the limitations of Claim 76. Florin discloses the decoder is configured to receive a PIN number from the remote control wherein the decoder authenticates the received PIN number and upon authentication of the received PIN number, permits reception of the access rights (Column 23, lines 40-55).

Regarding Claim 78, Florin, Eyer and Kitada disclose all the limitations of Claim 51. Florin discloses that the generation of at least a portion of video information in the window is prohibited in dependence on the access rights to one of a program and a channel displayed in that window or that generation of the PPV channel is prohibited

based on whether the user has ordered the movie or else only the preview is displayed

(Figure 35). See rejection of claim 51. Eyer discloses generation of at least a portion of

video information in the window is prohibited in dependence on the access rights to one

of a program and a channel displayed in the window (Column 10, lines 28-32). Eyer

discloses prohibiting generation of video after the preview displayed (Column 10, lines

48-65).

Regarding Claim 83, Florin, Eyer and Kitada disclose all the limitations of Claim

78. Florin discloses means for controlling the display of further video information

instead of the at least video information as only the programs that are ordered and

authorized are displayed (Column 21, lines 40-53, Column 23, lines 40-55). Eyer

means for controlling the display of further video information instead of the at least a

portion of the video information as only a preview portion of the program is displayed

(Column 10, lines 20-22).

Regarding Claim 86, Florin, Eyer and Kitada disclose all the limitations of Claim

51. Florin discloses controlling the relative positions of the windows with the mosaic

formation based on access rights to the programs displayed in the mosaic such as pay

per view events (Column 21, lines 3-15, Column 22, lines 65-67, Column 23, lines 1-3).

Regarding Claims 87, Florin, Eyer and Kitada disclose all the limitations of Claim

86. See rejection of Claims 1, 38, 51 and 86. Florin discloses relative positions of the

windows are controlled in response to the received access rights to the channels or

programs displayed in the windows as the programs in the mosaic are displayed in their

positions based on the channels are viewer (Column 21, lines 3-15, Column 22, lines 65-67, Column 23, lines 1-3).

Regarding Claim 111, Florin, Eyer and Kitada disclose all the limitations of Claim 53. Florin discloses turning the decoder to a channel displayed in the desired window upon selection of the desired window (Figures 33-35, Column 21, lines 16-32).

Regarding Claim 112, Florin, Eyer and Kitada disclose all the limitations of Claim 53. Florin discloses displaying comprising information regarding the program displayed in the desired window is generated upon selection of the desired window (Figure 38).

Regarding Claim 114, Florin, Eyer and Kitada discloses all the limitations of Claim 53. Florin discloses that program guide display can be mosaic (Figures 33-35) and a forthcoming program schedule comprises a textual display of program schedule information (Figures 12-16).

Regarding Claims 131, Florin, Eyer and Kitada disclose all the limitations of Claim 86. Florin discloses positional control means for controlling the relative positions of the windows are controlled according to program characteristics of programs normally shown on the channels displayed in the windows (Column 22, lines 1-15).

Regarding Claim 135, Florin, Eyer and Kitada disclose all the limitations of Claim 86. Florin discloses a positional control means is arranged to maintain a window displaying a particular channel and program in a constant position in the mosaic formation (Figures 27-29, 365, Figure 30, 325, Figures 33-35).

Regarding Claim 141, Florin a decoder for controlling the display of a plurality of

digital television channels (Figures 33-35, Column 9, lines 30-39, Column 10, lines 53-

59, Figure 2, 62), the decoder comprising:

means for receiving a first encrypted program and a second encrypted program

or pay per view programs as there are multiple pay per view programs and pay per view

channels (Figure 2, 67, 66, Column 9, lines 13-25, Column 10, lines 53-59, Figure 2, 66,

Column 11, lines 30-32); wherein the first and second encrypted program comprise both

encrypted audio and encrypted video as programs with audio and video need to be

descrambled (Column 9, lines 13-25, Column 11, lines 30-38);

means for displaying a mosaic comprising a plurality of unencrypted programs

(Figures 33-35, Figure 2, 67, 69, Column 9, lines 8-20, Column 20, lines 40-49),

including the first encrypted program and the second encrypted program in unencrypted

form or multiple channels can be displayed in the mosaic including first and second pay

per view channels displaying a first pay per view program and second pay per view

program (Figures 33-35, Column 11, lines 30-32, Column 10, lines 53-59);

means for receiving a selection from a user for access to the first encrypted

program displayed in unencrypted form in the mosaic or selecting the pay per view

program (Figure 35, 375, 380, Figure 2, 60, 82, 63); and

means for determining whether complete access rights exist for the selected first

encrypted program while the selected program is displayed in the mosaic to display the

pay per view program from the preview and premium programming (Figure 35, Column

9, lines 8-20, Figure 2, 69, 63, Column 23, lines 26-45);

wherein the decoder is configured to prohibit one of audio access and visual access to the unencrypted form of the selected first encrypted program while the selected program is displayed in the mosaic upon a determination that complete access rights are not available for the first encrypted program or if the PIN number is not entered correctly the pay per view program is not displayed to the viewer and only the preview is displayed to the viewer as the program is not descrambled (Column 21, lines 33-54, Column 23, lines 27-55, Column 9, lines 13-25).

Florin is silent on the one of only audio access and visual access is prohibited after a predetermined length of time based upon determination that complete access rights are not available for corresponding at least one encrypted program wherein complete audio and visual access to the selected program is provided during the predetermined length of time.

In analogous art, Eyer discloses transmitting an encrypted program with encrypted key information with both encrypted audio and video (Column 9, lines 7-20). Eyer discloses the program is displayed to the viewer via a preview portion of the pay per view program based on a working key (Figure 1, 20, 12, Column 9, lines 9-20) and then the decoder based on another working key determining whether the audio access and visual access is prohibited after a predetermined length of time based upon determination that complete access rights are not available for corresponding at least one encrypted program (Column 5, lines 21-54, Column 10, lines 1-5, 48-65) wherein complete audio and visual access to the selected program is provided during the

predetermined length of time or viewing and listening to the preview period of a program
(Column 5, lines 21-54, Column 10, lines 48-65).

Therefore, it would have been obvious to one of ordinary skill in the art at the
time the invention was made to modify Florin to include the audio access and visual
access is prohibited after a predetermined length of time based upon determination that
complete access rights are not available for corresponding at least one encrypted
program (Column 5, lines 21-54, Column 10, lines 48-65) wherein complete audio and
visual access to the selected program is provided during the predetermined length of
time (Column 5, lines 21-54, Column 10, lines 48-65) as taught by Eyer in order to
improve security to prevent unscrupulous viewers to watch free previews for more than
the maximum duration (Column 1, lines 28-57) as disclosed by Eyer.

Eyer in combination with Florin does not disclose that based on a working key
determining prohibiting only one of audio access and visual access.

In analogous art, Kitada discloses wherein receiving at least one encrypted
program with a working key (Column 2, lines 3-11) and based on the working key
prohibiting only audio access or only video for the at least one encrypted program
(Column 3, lines 30-36, 50-60).

Therefore, it would have been obvious to one of ordinary skill in the art at the
time the invention was made to modify the combination to include prohibiting only audio
access or only video for the at least one encrypted program (Column 3, lines 30-36, 50-
60) as taught by Kitada in order to tempt the user to buy the pay per view program even

by allowing them to listen to the program to possibly buy the program even though the
preview of the program is finished.

Moreover, the *KSR* found that if all the claimed elements are known in the prior
art then one skilled in the art could have combined the elements as claimed by known
methods with no change in their respective functions, and the combination would have
yield predictable results to one of ordinary skill in the art at the time of the invention.
No. 04-1350, slip. op. at 12.

Regarding Claim 142, Florin, Eyer and Kitada disclose all the limitations of Claim
141. Florin discloses a mosaic displaying programs including the first encrypted
program and the second encrypted program in unencrypted form or multiple channels
can be displayed in the mosaic displaying a first pay per view program and second pay
per view program (Figures 33-35, Column 11, lines 30-32, Column 10, lines 53-59) and
determining whether a user has complete access to the second encrypted program
based on the access rights associated with the user based on the user ordering the
program (Figure 35, 380) and means for providing complete audio and visual access to
the user to the unencrypted form of the second encrypted program, when access rights
associated with the user are received for the second encrypted program (Column 23,
lines 40-55).

Eyer discloses means for determining based on a working key whether a user is
permitted complete access to the second encrypted program based on the access
rights associated with the user as complete access rights are not available for the

corresponding encrypted program (Column 5, lines 21-54, Column 10, lines 48-65) and means for providing complete audio and visual access to the user to the unencrypted form of the second encrypted program when access rights associated with the user are received for the second encrypted program (Column 4, lines 55-67, Column 5, lines 1-54, Column 10, lines 48-65).

Kitada discloses wherein receiving at least one encrypted program with a working key (Column 2, lines 3-11) and based on the working key permitting only audio access or only video for the at least one encrypted program when the user is not permitted complete access rights of the selected program (Column 3, lines 30-36, 50-60).

Regarding Claim 145, Florin, Eyer and Kitada disclose all the limitations of Claim 1. Florin discloses complete access to the non-selected unencrypted programs in the mosaic is permitted as the viewer is permitted to view and listen to the non premium or pay per view programming (Figures 33-35, Column 20, lines 35-65)

9.   Claims 9, 10, 57, 58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Florin in view of Eyer and Kitada as applied to claims 4 and 53 above, and further in view of Berstis et al (US 5,874,936 and hereafter referred to as "Berstis").

Regarding Claim 9, Florin, Eyer and Kitada disclose all the limitations of Claim 4. Florin discloses that premium programs are descrambled by the descrambling circuitry based on access rights (Column 9, lines 13-27, Column 11, lines 29-40). Florin, Eyer and Kitada are silent on means for automatically re-positioning the cursor in the event

that the cursor is placed over the window displaying a program or channel to which full audio and visual access is prohibited. Berstis discloses means for automatically re-positioning the cursor in the event that the cursor is placed over the window that is not active or not accessible after performing a check to determine if the window is opened (Column 3, lines 5-39). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination to include a means for automatically re-positioning the cursor in the event that the cursor is placed over the window that is not active after a predetermined period of time (Column 3, lines 5-39) as taught by Berstis in order to allow the user to navigate through multiple open windows for convenience to the user (Column 1, lines 21-60) as disclosed by Berstis.

Regarding Claim 10, Florin, Eyer, Kitada and Berstis disclose all the limitations of Claim 9. Florin discloses the mosaic (Figures 33-35). Berstis discloses repositioning the cursor after the expiration of a predetermined time or immediately (Column 3, lines 5-33).

Regarding Claim 57, Florin, Eyer and Kitada disclose all the limitations of Claim 53. Florin discloses that premium programs are descrambled by the descrambling circuitry based on access rights (Column 9, lines 13-27, Column 11, lines 29-40). Florin, Eyer and Kitada are silent on means for automatically re-positioning the cursor in the event that the cursor is placed over the window displaying a program or channel to which full audio and visual access is prohibited. Berstis discloses means for automatically re-positioning the cursor in the event that the cursor is placed over the window that is not active or not accessible after performing a check to determine if the

window is opened (Column 3, lines 5-39). Therefore, it would have been obvious to one
of ordinary skill in the art at the time the invention was made to modify the combination
to include a means for automatically re-positioning the cursor in the event that the
cursor is placed over the window that is not active after a predetermined period of time
(Column 3, lines 5-39) as taught by Berstis in order to allow the user to navigate through
multiple open windows for convenience to the user (Column 1, lines 21-60) as disclosed
by Berstis.

      Regarding Claim 58, Florin, Eyer, Kitada and Berstis disclose all the limitations of
Claim 57. Florin discloses the mosaic (Figures 33-35). Berstis discloses repositioning
the cursor after the expiration of a predetermined time or immediately (Column 3, lines
5-33).

10.   Claims 11, 13, 59 and 61 are rejected under 35 U.S.C. 103(a) as being
unpatentable over Florin in view of Eyer and Kitada as applied to claims 4 and 53
above, and further in view of Hanaya et al (US 2003/0101452 and hereafter referred to
as "Hanaya").

      Regarding Claim 11, Florin, Eyer and Kitada disclose all the limitations of Claim
4. Florin discloses a cursor (Figures 33-35, 375, 380). Florin, Eyer and Kitada are silent
on means for changing an attribute of the cursor depending on the characteristic of at
least one of a program and a channel displayed in a window over which the cursor is
positioned. Hanaya discloses a system for displaying a plurality of channels and
programs in respective windows (Figure 19). Hanaya discloses a system for displaying

a plurality of channels and programs in respective windows (Figure 19). Hanaya

discloses means for changing an attribute of the cursor depending on the characteristic

of at least one of a program and a channel displayed in a window over which the cursor

is positioned (Page 9, paragraph 0147). Therefore it would have been obvious to one of

ordinary skill in the art at the time the invention was made to modify the combination to

include means for changing an attribute of the cursor depending on the characteristic of

at least one of a program and a channel displayed in a window over which the cursor is

positioned such as the cursor is changed to different broadcast channel (Page 9,

paragraph 0147) as taught by Hanaya in order to make it easier and more convenient

for a user to view the programs selected or highlighted.

      Regarding Claim 13, Florin, Eyer, Kitada and Hanaya disclose all the limitations

of Claim 11. Florin discloses a cursor (Figures 33-35, 380). Hanaya discloses that the

programs are accessed via highlights or colors or changing the color of the cursor

depending on the characteristic of the program (Page 9, paragraph 0147).

      Regarding Claim 59, Florin, Eyer and Kitada disclose all the limitations of Claims

53. Florin discloses a cursor (Figures 33-35, 375, 380). Florin, Eyer and Kitada are

silent on means for changing an attribute of the cursor depending on the characteristic

of at least one of a program and a channel displayed in a window over which the cursor

is positioned. Hanaya discloses a system for displaying a plurality of channels and

programs in respective windows (Figure 19). Hanaya discloses a system for displaying

a plurality of channels and programs in respective windows (Figure 19). Hanaya

discloses means for changing an attribute of the cursor depending on the characteristic

of at least one of a program and a channel displayed in a window over which the cursor

is positioned (Page 9, paragraph 0147). Therefore it would have been obvious to one of

ordinary skill in the art at the time the invention was made to modify the combination to

include means for changing an attribute of the cursor depending on the characteristic of

at least one of a program and a channel displayed in a window over which the cursor is

positioned such as the cursor is changed to different broadcast channel (Page 9,

paragraph 0147) as taught by Hanaya in order to make it easier and more convenient

for a user to view the programs selected or highlighted.

Regarding Claim 61, Florin, Eyer, Kitada and Hanaya disclose all the limitations

of Claim 59. Florin discloses a cursor (Figures 33-35, 380). Hanaya discloses that the

programs are accessed via highlights or colors or changing the color of the cursor

depending on the characteristic of the program (Page 9, paragraph 0147).

11.   Claims 14 and 110 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Florin in view of Eyer, Kitada and Hanaya as applied to claims 11, 59 above, and

further in view of Young et al (US 5,809,204 and hereafter referred to as "Young").

Regarding Claim 14, Florin, Eyer, Kitada and Hanaya disclose all the limitations

of Claim 11. Hanaya discloses selecting programs via the channel (Page 9, paragraph

0147). Florin, Eyer, Kitada and Hanaya are silent on assigning the characteristic from a

remote control handset associated with the decoder and means for assigning the

characteristic in response to the received data. Young discloses means for receiving

data for assigning the characteristic from a remote control handset associated with the

decoder (Figure 20) and means for assigning the characteristic in response to the

received data (Figure 20). Therefore, it would have been obvious to one of ordinary skill

in the art at the time the invention was made to modify the combination to include

means for receiving data for assigning the characteristic from a remote control handset

associated with the decoder (Figure 20) and means for assigning the characteristic in

response to the received data (Figure 20) as taught by Young in order to allow easier

access for program listings to record on a VCR including future times (Column 1, lines

13-25) as disclosed by Young.

Regarding Claim 110, Florin, Eyer, Kitada and Hanaya disclose all the limitations

of Claim 59. Hanaya discloses selecting programs via the channel (Page 9, paragraph

0147). Florin, Eyer, Kitada and Hanaya are silent on assigning the characteristic from a

remote control handset associated with the decoder and means for assigning the

characteristic in response to the received data. Young discloses means for receiving

data for assigning the characteristic from a remote control handset associated with the

decoder (Figure 20, Column 11, lines 55-67, Column 12, lines 1-6) and means for

assigning the characteristic in response to the received data (Figure 20, Column 11,

lines 55-67, Column 12, lines 1-6). Therefore, it would have been obvious to one of

ordinary skill in the art at the time the invention was made to modify the combination to

include means for receiving data for assigning the characteristic from a remote control

handset associated with the decoder (Figure 20, Column 11, lines 55-67, Column 12,

lines 1-6) and means for assigning the characteristic in response to the received data

(Figure 20, Column 11, lines 55-67, Column 12, lines 1-6) as taught by Young in order

to allow easier access for program listings to record on a VCR including future times

(Column 1, lines 13-25) as disclosed by Young.

12.   Claims 17, 18, 65, 119 and 127 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Florin in view of Eyer and Kitada as applied to claims 1, 16 and 51

above, and further in view of Niijima et al (US 5,903,314 and hereafter referred to as

"Niijima").

        Regarding Claims 17, Florin, Eyer and Kitada disclose all the limitations of Claim

1. Florin discloses generating a cursor for display with the mosaic formation (Figures

33-35, 380), the cursor being selectively movable over the windows of the mosaic

formation to enable selection of a desired window within the mosaic formation (Figure

33-35, 380), and means for generating a display (Figure 2, 69, Column 9, lines 5-16)

comprising information regarding the program displayed in the desired window upon

selection of the desired window (Figures 33-35, 375, 380). Florin, Eyer and Kitada are

silent on receiving the data by communicating with a communications center to obtain

the information regarding the program displayed in the desired window. In analogous

art, Niijima discloses a decoder (Figure 8, 2) for controlling the display of digital TV

channels in respective windows of a mosaic formation (Column 2, lines 49-57, Figure 8,

Figure 28, Figure 5, Figure 7, Figure 11), the decoder comprising means for generating

a cursor for display with the mosaic formation (Figure 8, 2, Figure 5, 201, Figure 20,

201), the cursor being selectively movable over the windows of the mosaic formation to

enable selection of a desired window within the mosaic formation (Figure 5, 201, Figure

20, 201), and means for generating a display comprising information regarding the
program displayed in the desired window upon selection of the desired window (Column
17, lines 4-23). Niijima discloses that the user can select and program and transmit to
the communications center the request for information about the program or the
program, the audio of the program regarding the program displayed in the desired
window, data of a program (Column 32, lines 55-67, Column 33, lines 1-29, Figure 27,
311, Figure 28, 311, 323).

Therefore, it would have been obvious to one of ordinary skill in the art at the
time the invention was made to modify the combination to include the transmit to the
communications center the request for information about the program or the program,
the audio of the program regarding the program displayed in the desired window, data
of a program (Column 32, lines 55-67, Column 33, lines 1-29, Figure 27, 311, Figure 28,
311,323) as taught by Niijima in order to provide the most up to date information to the
user and to maintain storage capacity on the receiver side.

Regarding Claim 18, Florin, Eyer and Kitada disclose all the limitations of Claim
16. Florin discloses generating a cursor for display with the mosaic formation (Figures
33-35, 380), the cursor being selectively movable over the windows of the mosaic
formation to enable selection of a desired window within the mosaic formation (Figure
33-35, 380), and means for generating a display comprising information regarding the
program displayed in the desired window upon selection of the desired window (Figures
33-35, 375, 380). Florin, Eyer and Kitada are silent on receiving the data by
communicating with a communications center to obtain the information regarding the

program displayed in the desired window. In analogous art, Niijima discloses a decoder

(Figure 8, 2) for controlling the display of digital TV channels in respective windows of a

mosaic formation (Column 2, lines 49-57, Figure 8, Figure 28, Figure 5, Figure 7, Figure

11), the decoder comprising means for generating a cursor for display with the mosaic

formation (Figure 5,201, Figure 20, 201), the cursor being selectively movable over the

windows of the mosaic formation to enable selection of a desired window within the

mosaic formation (Figure 5, 201, Figure 20,201), and means for generating a display

comprising information regarding the program displayed in the desired window upon

selection of the desired window (Column 17, lines 4-23). Niijima discloses that the user

can select and program and transmit to the communications center the request for

information about the program or the program, the audio of the program regarding the

program displayed in the desired window, data of a program (Column 32, lines 55-67,

Column 33, lines 1-29, Figure 27, 311, Figure 28, 311, 323).

Therefore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to modify the combination to include the transmit to the

communications center the request for information about the program or the program,

the audio of the program regarding the program displayed in the desired window, data

of a program (Column 32, lines 55-67, Column 33, lines 1-29, Figure 27, 311, Figure 28,

311,323) as taught by Niijima in order to provide the most up to date information to the

user and to maintain storage capacity on the receiver side.

Regarding Claim 65, Florin, Eyer and Kitada disclose all the limitations of Claim

51. Florin discloses generating a cursor for display with the mosaic formation (Figures

33-35, 380), the cursor being selectively movable over the windows of the mosaic

formation to enable selection of a desired window within the mosaic formation (Figure

33-35, 380), and means for generating a display comprising information regarding the

program displayed in the desired window upon selection of the desired window (Figures

33-35, 375, 380). Florin, Eyer and Kitada are silent on receiving the data by

communicating with a communications center to obtain the information regarding the

program displayed in the desired window. In analogous art, Niijima discloses a decoder

(Figure 8, 2) for controlling the display of digital TV channels in respective windows of a

mosaic formation (Column 2, lines 49-57, Figure 8, Figure 28, Figure 5, Figure 7, Figure

11), the decoder comprising means for generating a cursor for display with the mosaic

formation (Figure 5, 201, Figure 20, 201), the cursor being selectively movable over the

windows of the mosaic formation to enable selection of a desired window within the

mosaic formation (Figure 5, 201, Figure 20, 201), and means for generating a display

comprising information regarding the program displayed in the desired window upon

selection of the desired window (Column 17, lines 4-23). Niijima discloses that the user

can select and program and transmit to the communications center the request for

information about the program or the program, the audio of the program regarding the

program displayed in the desired window, data of a program (Column 32, lines 55-67,

Column 33, lines 1-29, Figure 27, 311, Figure 28, 311, 323).

    Therefore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to modify the combination to include the transmit to the

communications center the request for information about the program or the program,

the audio of the program regarding the program displayed in the desired window, data

of a program (Column 32, lines 55-67, Column 33, lines 1-29, Figure 27, 311, Figure 28,

311, 323) as taught by Niijima in order to provide the most up to date information to the

user and to maintain storage capacity on the receiver side.

Regarding Claim 119, Florin, Eyer and Kitada and Niijiima disclose all the

limitations of Claim 65. Florin discloses that the generation of at least a portion of video

information in the window is prohibited in dependence on the access rights to one of a

program and a channel displayed in that window or that generation of the PPV channel

is prohibited based on whether the user has ordered the movie or else only the preview

is displayed (Figure 35). Eyer discloses generation of at least a portion of video

information in the window is prohibited in dependence on the access rights to one of a

program and a channel displayed in the window (Column 10, lines 28-32).

Regarding Claim 127, Florin, Eyer and Kitada disclose all the limitations of Claim

86. Florin, Eyer and Kitada are silent o the relative positions of windows of the mosaic

information are controlled in response to received positioning data for controlling relative

positions of windows within mosaic formation. Niijima discloses relative positions of

windows of the mosaic information are controlled in response to received positioning

data for controlling relative positions of windows within mosaic formation (Column 20,

lines 37-46, Column 2, lines 48-67, Column 3, lines 1-14, Column 6, lines 35-54).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the

invention was made to modify the combination to include relative positions of windows

of the mosaic information are controlled in response to received positioning data for

controlling relative positions of windows within mosaic formation (Column 20, lines 37-46, Column 2, lines 48-67, Column 3, lines 1-14, Column 6, lines 35-54) as taught by Niijima in order to provide the user with an array of positions of the mosaic so that the user can customize the screen if the user chooses (Column 3, lines 1-26) as disclosed by Niijima.

13.   Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Florin in view of Eyer, Kitada and Niijima as applied to claims 18 above, and further in view of Townsend et al (WO 96/37996 and hereafter referred to as "Townsend").

        Regarding Claim 19, Florin, Eyer, Kitada and Niijima disclose all the limitations of Claim 18. Florin, Eyer, Kitada and Niijima are silent on means for dialing up the communications to supply a request for information regarding the program. Townsend discloses means for dialing up the communications center to supply a request for the information regarding the program displayed in the desired window (Figure 1, 7, Figure 12). Therefore, it would have been obvious at the time the invention was made to modify the combination to include means for dialing up the communications center to supply a request for the information regarding the program displayed in the desired window (Figure 1, 7, Figure 12) as taught by Townsend in order to simplify user control and to make the control more user friendly (Page 5, lines 2-7) as disclosed by Townsend.

14.   Claims 20, 22 and 113 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Florin in view of Eyer and Kitada as applied to claims 4 and 53

above, and further in view of Young.

        Regarding Claims 20, Florin, Eyer and Kitada disclose all the limitations of

Claims 4. Florin displays EPG and selection of time (Figures 12-16). Florin, Eyer and

Kitada are silent on means for generating a display comprising a schedule with

forthcoming programs of at least one digital TV channel in respective windows. Young

discloses a means for generating a display comprising a schedule with forthcoming

programs of at least one digital TV channel in respective windows or a displaying of

forthcoming program schedule for the channel displayed in the desired window or cell

(Figure 7, 58). Therefore, it would have been obvious to one of ordinary skill in the art at

the time the invention was made to modify the combination to include means for

generating a display comprising a forthcoming program schedule for the channel

displayed in the desired window upon selection upon selection of the desired window

(Figure 7, 58) as taught by Young in order to allow easier access for program listings to

record on a VCR including future times (Column 1, lines 13-25) as disclosed by Young.

        Regarding Claim 22, Florin, Eyer, Kitada and Young discloses all the limitations

of Claim 20. Florin discloses that program guide display can be mosaic (Figures 33-35)

and a display with textual display of program schedule information (Figures 12-16).

Young discloses that the forthcoming program schedule which is in a textual display

(Figure 7).

Regarding Claim 113, Florin, Eyer and Kitada disclose all the limitations of Claim
53. Florin displays EPG and selection of time (Figures 12-16). Florin, Eyer and Kitada
are silent on means for generating a display comprising a schedule with forthcoming
programs of at least one digital TV channel in respective windows. Young discloses a
means for generating a display comprising a schedule with forthcoming programs of at
least one digital TV channel in respective windows or a displaying of forthcoming
program schedule for the channel displayed in the desired window or cell (Figure 7, 58).
Therefore, it would have been obvious to one of ordinary skill in the art at the time the
invention was made to modify the combination to include means for generating a
display comprising a forthcoming program schedule for the channel displayed in the
desired window upon selection upon selection of the desired window (Figure 7, 58) as
taught by Young in order to allow easier access for program listings to record on a VCR
including future times (Column 1, lines 13-25) as disclosed by Young.

15.   Claims 23 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable
over Florin in view of Eyer, Kitada and Young as applied to claims 20 above, and further
in view of Matthews, III (US 5,815,145 and hereafter referred to as "Matthews").

Regarding Claim 23, Florin, Eyer, Kitada and Young discloses all the limitations
of Claim 20. Florin discloses that program guide display can be mosaic with pictorial
images of program schedule information (Figure 5, Figure 20). Young discloses that the
forthcoming program schedule (Figure 7). Florin, Eyer, Kitada and Young are silent on
a forthcoming schedule displays plurality of pictorial images associated with respective

forthcoming programs in respective windows of mosaic information. Matthews

discloses a forthcoming schedule displays plurality of pictorial images associated with

respective forthcoming programs in respective windows of a mosaic formation (Figure 4,

Column 6, lines 35-63, Column 9, lines 40-49). Therefore, it would have been obvious to

one of ordinary skill in the art at the time the invention was made to modify the

combination to include a forthcoming schedule displays plurality of pictorial images

associated with respective forthcoming programs in respective windows of a mosaic

information (Figure 4, Column 6, lines 35-63, Column 9, lines 40-49) as taught by

Matthews in order to provide the user with videos of all programs in an EPG (Column 6,

lines 35-63) for convenience (Column 2, lines 33-40) as disclosed by Matthews as well

as aesthetically pleasing to the users so that they can decide on future programs as

well.

> Regarding Claim 27, Florin, Eyer, Kitada, Young and Matthews disclose all the

limitations of Claim 23. Matthews discloses that the plurality of pictorial images

comprises video footage (Figure 4).

16.   Claims 31, 33, 36, 56, 79, 84 and116 are rejected under 35 U.S.C. 103(a) as

being unpatentable over Florin in view of Eyer and Kitada as applied to claims 30 and

78 above, and further in view of Matthews.

> Regarding Claim 31, Florin, Eyer and Kitada disclose all the limitations of Claim

30. Florin, Eyer and Kitada are silent on a picture is displayed in the window instead of

at least the portion of video information. In analogous art, Matthews discloses a picture

is displayed in the window instead of at least the portion of video information (Column 6,

lines 38-44). Therefore, it would have been obvious to one of ordinary skill in the art at

the time the invention was made to modify the combination to include a forthcoming

schedule displays plurality of pictorial images associated with respective forthcoming

programs in respective windows of a mosaic information (Figure 4, Column 6, lines 35-

63) as taught by Matthews in order to provide the user with preview media information

of all programs in an EPG (Column 6, lines 35-63) for convenience (Column 2, lines 33-

40) as disclosed by Matthews as well as aesthetically pleasing to the users so that they

can decide on future programs as well as videos may not be available.

Regarding Claim 33, Florin, Eyer, Kitada and Matthews disclose all the limitations

of Claim 31. Matthews discloses the picture comprises an image associated with the

program displayed in the window (Column 6, lines 38-44).

Regarding Claims 36, Florin, Eyer and Kitada disclose all the limitations of Claim

35. Florin, Eyer and Kitada are silent on that the further video information is

promotional video information or preview information. Matthews discloses the further

video information is promotional video information or preview information (Column 6,

lines 38-63). Therefore, it would have been obvious to one of ordinary skill in the art at

the time the invention was made to modify the combination to include further video

information is promotional video information or preview information (Column 6, lines 38-

63) as taught by Matthews in order to provide the user with preview media information

of all programs in an EPG (Column 6, lines 35-63) for convenience (Column 2, lines 33-

40) as disclosed by Matthews as well as aesthetically pleasing to the users so that they

can decide on future programs as well as videos may not be available.

  Regarding Claims 79, Florin, Eyer and Kitada disclose all the limitations of Claim

78. Florin, Eyer and Kitada are silent on a picture is displayed in the window instead of

at least the portion of video information. In analogous art, Matthews discloses a picture

is displayed in the window instead of at least the portion of video information (Column 6,

lines 38-44). Therefore, it would have been obvious to one of ordinary skill in the art at

the time the invention was made to modify the combination to include a forthcoming

schedule displays plurality of pictorial images associated with respective forthcoming

programs in respective windows of a mosaic information (Figure 4, Column 6, lines 35-

63) as taught by Matthews in order to provide the user with preview media information

of all programs in an EPG (Column 6, lines 35-63) for convenience (Column 2, lines 33-

40) as disclosed by Matthews as well as aesthetically pleasing to the users so that they

can decide on future programs as well as videos may not be available.

  Regarding Claim 84, Florin, Eyer and Kitada disclose all the limitations of Claim

83. Florin, Eyer and Kitada are silent on that the further video information is

promotional video information or preview information. Matthews discloses the further

video information is promotional video information or preview information (Column 6,

lines 38-63). Therefore, it would have been obvious to one of ordinary skill in the art at

the time the invention was made to modify the combination to include further video

information is promotional video information or preview information (Column 6, lines 38-

63) as taught by Matthews in order to provide the user with preview media information

of all programs in an EPG (Column 6, lines 35-63) for convenience (Column 2, lines 33-40) as disclosed by Matthews as well as aesthetically pleasing to the users so that they can decide on future programs as well as videos may not be available.

Regarding Claim 116, Florin, Eyer and Kitada discloses all the limitations of Claim 53. Florin discloses that program guide display can be mosaic with pictorial images of program schedule information and forthcoming schedule (Figures 12-16) as the user can select the time by scrolling (Figure 16). Florin, Eyer and Kitada are silent on a forthcoming schedule displays plurality of pictorial images associated with respective forthcoming programs in respective windows of a mosaic formation. Matthews discloses a forthcoming schedule displays plurality of pictorial images associated with respective forthcoming programs in respective windows of a mosaic formation (Figure 4, Column 6, lines 35-63). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination to include a forthcoming schedule displays plurality of pictorial images associated with respective forthcoming programs in respective windows of a mosaic information (Figure 4, Column 6, lines 35-63) as taught by Matthews in order to provide the user with videos of all programs in an EPG (Column 6, lines 35-63) for convenience (Column 2, lines 33-40) as disclosed by Matthews as well as aesthetically pleasing to the users so that they can decide on future programs as well.

17.   Claims 32, 80 and 81 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Florin in view of Eyer, Kitada and Matthews as applied to claims 31 and 79 above,

and further in view of Morales (US 5,663,757).

        Regarding Claim 32, Florin, Eyer, Kitada and Matthews disclose all the limitations

of Claim 31. Florin, Eyer, Kitada and Matthews are silent on logos of channels. Morales

discloses that a picture comprise a logo associated with a channel displayed in the

window (Figure 3, 10). Therefore, it would have been obvious to one of ordinary skill in

the art at the time the invention was made to modify the combination to include a picture

comprising a logo associated with a channel displayed in the window (Figure 3, 10) as

taught by Morales in order to provide the user with easier channel selection as the TV

networks may have different channels in area counties or an out of town visitor in a

hotel (Column 5, lines 10-25) as disclosed by Morales.

        Regarding Claim 80, Florin, Eyer, Kitada and Matthews disclose all the limitations

of Claim 79. Florin, Eyer, Kitada and Matthews are silent on logos of channels. Morales

discloses that a picture comprise a logo associated with a channel displayed in the

window (Figure 3, 10). Therefore, it would have been obvious to one of ordinary skill in

the art at the time the invention was made to modify the combination to include a picture

comprising a logo associated with a channel displayed in the window (Figure 3, 10) as

taught by Morales in order to provide the user with easier channel selection as the TV

networks may have different channels in area counties or an out of town visitor in a

hotel (Column 5, lines 10-25) as disclosed by Morales.

Regarding Claim 81, Florin, Eyer, Kitada, Matthews and Morales disclose all the limitations of Claim 79. Matthews discloses the picture comprises an image associated with the program displayed in the window (Column 6, lines 38-44).

18.   Claims 34 and 82 are rejected under 35 U.S.C. 103(a) as being unpatentable over Florin in view of Eyer and Kitada as applied to claims 30 and 78 above, and further in view of Balakrishnan et al (US 2001/0052135 and hereafter referred to as "Balak").

Regarding Claim 34, Florin, Eyer and Kitada disclose all the limitations of Claim 30 and 78 respectively. Florin, Eyer and Kitada are silent on an advertisement. Balak discloses that advertisements can be seen in a mosaic formation (Page 2, paragraph 0018). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination to include means for controlling the display of an advertisement in the window instead of a video information (Page 2, paragraph 0018) as taught by Balak in order to provide users target commercials of their own choosing (Page 1, paragraphs 0001-0003) as disclosed by Balak.

Regarding Claim 82, Florin, Eyer and Kitada disclose all the limitations of Claim 78 respectively. Florin, Eyer and Kitada are silent on an advertisement. Balak discloses that advertisements can be seen in a mosaic formation (Page 2, paragraph 0018). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination to include means for controlling the display of an advertisement in the window instead of a video information (Page 2,

paragraph 0018) as taught by Balak in order to provide users target commercials of
their own choosing (Page 1, paragraphs 0001-0003) as disclosed by Balak.

19.   Claims 37 and 85 are rejected under 35 U.S.C. 103(a) as being unpatentable
over Florin in view of Eyer and Kitada as applied to claims 1 and 51 above, and further
in view of Kahn (US 5,978,649).

        Regarding Claim 37, Florin, Eyer and Kitada disclose all the limitations of Claim
1. Florin, Eyer and Kitada are silent on generating a message due to lack of access
rights when a cursor is on a channel. Kahn discloses means to generating message
information a user of the access rights of a channel in the event of placing a cursor on
the channel on the EPG (Column 7, lines 42-56). Therefore, it would have been obvious
to one of ordinary skill in the art at the time the invention was made to modify the
combination to include a means to generating a message information a user of the
access rights of a channel in the event of placing a cursor on the channel on the EPG
(Column 7, lines 42-56) as taught by Kahn in order to control channel authorization in
case such as PPV channels or movies with access rights (Column 1, lines 26-31) as
disclosed by Kahn.

        Regarding Claim 85, Florin, Eyer and Kitada disclose all the limitations of Claim
51. Florin, Eyer and Kitada are silent on generating a message due to lack of access
rights when a cursor is on a channel. Kahn discloses means to generating message
information a user of the access rights of a channel in the event of placing a cursor on
the channel on the EPG (Column 7, lines 42-56). Therefore, it would have been obvious

to one of ordinary skill in the art at the time the invention was made to modify the

combination to include a means to generating a message information a user of the

access rights of a channel in the event of placing a cursor on the channel on the EPG

(Column 7, lines 42-56) as taught by Kahn in order to control channel authorization in

case such as PPV channels or movies with access rights (Column 1, lines 26-31) as

disclosed by Kahn.

20.   Claims 143 and 144 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Florin in view of Eyer and Kitada as applied to claims 1 and 51 above, and further

in view of Jeffers et al (US 5,036,537 and hereafter referred to as "Jeffers").

         Regarding Claim 143, Florin, Eyer and Kitada disclose all the limitations of Claim

1. Florin discloses a mosaic to display programs in a picture in picture mode to display

programming on channels for selection (Figure 33). Florin, Eyer and Kitada are silent

on that the selected program is completely blacked out by the receiver when access

rights are not received. Jeffers discloses the selected program is completely blacked

out by the receiver when access rights are not received (Column 7, lines 12-27).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the

invention was made to modify the combination to include the selected program is

completely blacked out by the receiver when access rights are not received (Column 7,

lines 12-27) as taught by Kahn in order to control channel authorization in for

geographic areas with access rights (Column 1, lines 8-14) as disclosed by Jeffers.

Regarding Claim 144, Florin, Eyer and Kitada disclose all the limitations of Claim

51.   Florin discloses a mosaic to display programs in a picture in picture mode to

display programming on channels for selection (Figure 33). Florin, Eyer and Kitada are

silent on that the selected program is completely blacked out by the receiver when

access rights are not received. Jeffers discloses the selected program is completely

blacked out by the receiver when access rights are not received (Column 7, lines 12-

27). Therefore, it would have been obvious to one of ordinary skill in the art at the time

the invention was made to modify the combination to include the selected program is

completely blacked out by the receiver when access rights are not received (Column 7,

lines 12-27) as taught by Jeffers in order to control channel authorization in for

geographic areas with access rights (Column 1, lines 8-14) as disclosed by Jeffers.

21.   Claims 143 and 144 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Florin in view of Eyer and Kitada as applied to claims 1 above, and further in view

of Aras et al (US 5,872,588 and hereafter referred to as "Aras").

Regarding Claim 146, Florin, Eyer and Kitada disclose all the limitations of Claim

1. Florin discloses displaying unencrypted programs in the mosaic (Figures 33-35).

Florin, Eyer and Kitada discloses wherein in video access is prohibited to the

unencrypted programs. In analogous art, Aras discloses wherein video access is

prohibited to the unencrypted programs (Column 10, lines 10-27). Therefore, it would

have been obvious to one of ordinary skill in the art at the time the invention was made

to modify the combination to include video access is prohibited to the unencrypted

programs (Column 10, lines 10-27) as taught by Aras in order to allow parents to control

what their children watching.

Conclusion

22.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to FARZANA E. HOSSAIN whose telephone number is

(571)272-5943. The examiner can normally be reached on Monday 7:30 am to 2:30

pm, Tuesday, Thursday and Friday 7:30 am to 4:30 pm and Wednesday 7:30 am to

12:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Christopher Kelley can be reached on 571-272-7331. The fax phone

number for the organization where this application or proceeding is assigned is 571-

273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Farzana E Hossain/
Examiner, Art Unit 2424

April 9, 2009